

RECEIVED
CENTRAL FAX CENTER
JAN 25 2007

REMARKS/ARGUMENTS

Claims 25-36 are pending. Claims 1-25 were previously canceled without prejudice or disclaimer of the subject matter they contain. In an effort to advance prosecution, claim 1 is amended to encompass potentially infringing subject matter. No new matter has been added. By the amendments, Applicant does not acquiesce to the propriety of any of the Examiner's rejections and does not disclaim any subject matter to which Applicant is entitled. *Cf. Warner Jenkinson Co. v. Hilton-Davis Chem. Co.*, 41 U.S.P.Q.2d 1865 (U.S. 1997). Further, Applicant reserves the right to file continuing applications to cover disclosed subject matter not encompassed by the currently pending claims.

DOUBLE PATENTING

The Office Action rejects claims 25-29 under 35 U.S.C. § 101 as allegedly claiming the same or obvious invention as that of claims 1-3 of U.S. Patent No. 6,812,258. Although Applicants respectfully disagree, solely in an effort to advance prosecution, concurrently filed herewith is a terminal disclaimer submitted that is believed to render this rejection moot. Reconsideration and withdrawal of this rejection are respectfully requested.

Applicants respectfully request rejoinder of the non-elected species.

CONCLUSION

If anything further could be done to place the above-captioned patent application in better condition for allowance (i.e., via Examiner's Amendment), then please contact the undersigned attorney at the telephone number listed below.

Applicants hereby request any extension of time deemed necessary for entry of this submission (including attachments thereto) and any submission filed hereafter in this application or any continuing application(s). Applicants make a Conditional Petition for any relief available

NIXON & VANDERHYE PC Fax: 703-816-4100
Steven M. Bessette et al.
Appl. No. 10/759,177

Jan 25 2007 18:31

P.06

Atty. Docket No. WFG-4380-151

to correct any defect in connection with this filing, or any defect remaining in this application after this filing. The Commissioner is authorized to charge any petition fee or any deficiency in fees filed, or asserted to be filed, or which should have been filed herewith (or with any paper filed hereafter) to Deposit Account No. 14-1140 or credit any overpayment of fees to such Deposit Account; please use Reference No. WFG-4380-151.

Respectfully submitted,

NIXON & VANDERHYE P.C.

Date: January 25, 2007

By:

Willem F. Gadiano
Reg. No. 37,136

WFG:ewm
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this document (including any paper referred to as being attached or enclosed) is being sent to the U.S. Patent and Trademark Office via facsimile transmission to (571) 273-8300 on the date indicated below, with a coversheet addressed to Commissioner for Patents, U.S. Patent and Trademark Office.	
Date:	<u>January 25, 2007</u>
By:	<u>Willem F. Gadiano, Reg. No. 37,136</u>